IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU

-

WRIT PETITION NO : 5389 of 2005

Between:

G.Nagaesh, S/o.Sattaiah
Addl.Assistant Engineer, A.P.N.P.D.C.L.

Narsampet, Warangal District.

..... PETITIONER

AND

1 The Chief General Manager, HRD A.P.N.P.D.C.L. Warangal.
2 The Superintending Engineer(Operation) A.P.N.P.D.C.L. Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of writ of mandamus directing the respondent to reinstate the petitioner into service by setting aside the order of suspension issued by the second respondent bearing Memo No.SE/OP/Wgl/PO/Admn.U2/F.PF/D.No.487/02, dt.16.11.2002 declaring the continuance of the same beyond the outer limit period fixed in the G.O. as illegal and pass such other order or orders.

Counsel for the Petitioner: MR.K.ANANTHA RAO

Counsel for the Respondents: MR.SAMINENI KISHORE, Standing Counsel for A.P.N.P.D.L.

The Court made the following :

ORDER:

Seeking a direction to the respondents to reinstate the petitioner into service by setting aside the order of suspension issued by the 2nd respondent bearing Memo No.SE/OP/Wgl/PO/Adm.U2/F.PF/D/No.487/02, dated 16-11-2002 declaring the continuance of the same beyond the outer limit period fixed in the G.O as illegal, the present writ petition has been filed.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The alleged reason for placing the petitioner under suspension is that when he was trapped by the Anti Corruption Bureau, he demanded and accepted bribe of Rs.2,000/- from the consumers. A case in Crime No.17/ACB-Wgl/2002 under Section 7 of the Prevention of Corruption Act, 1988 was registered. Later, on coming to know the same, the 2nd respondent placed the petitioner under suspension through his proceedings dated 16-11-2002. Thereafter, nothing has been transpired or proceeded with further.

4. The learned counsel for the petitioner contended that the case of the petitioner has to be reviewed for every six months and the outer limit for conducting enquiry is two years from the date of suspension as per G.O.Ms.NO.86 dated
08-03-1994. Therefore, the impugned order is not sustainable in accordance with the Memo dated 11-09-2003.

5. On considering the submissions made by the counsel for the petitioner

and on perusal of the Government Memo dated 11-09-2003, it is clearly revealed that review of suspension should be taken up at intervals of six months, but at any rate, the enquiry should be completed at the end of the period of two years. Of course, the disciplinary authority can extend the suspension period beyond the period of two years, in cases, where there is any deliberate delay caused due to non-cooperation of employee concerned. But, it is not such a case on hand inasmuch as the delay was not caused due to non-cooperation by the petitioner in conducting the enquiry proceedings. But, the respondents failed to reinstate the petitioner into service by reviewing his case. Therefore, the respondents, clearly violated the Government Orders and therefore, the suspension orders in G.O.Ms.No.86 dated 08-03-1994 are set aside.

6. Accordingly, the writ petition is allowed directing the respondents to reinstate the petitioner into service. This order will not preclude the respondents in proceeding further in the departmental enquiry. No costs.

17-03-2005

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Copy to:

1 The Chief General Manager, HRD A.P.N.P.D.C.L. Warangal.
2 The Superintending Engineer(Operation) A.P.N.P.D.C.L. Warangal.

3. Two CD copies.